

Stumbling toward the finish line in fully funding basic education

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The Legislature pats itself on the back for doing little, the Supreme Court levies fines in futility, and the state's students suffer; true leaders would get the job done.

By [Randy Dorn](#)

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IF the state's approach to funding basic education can be seen as a marathon, I would say the state has reluctantly jogged 5 miles, at a 15-minutes-per-mile pace.

There's a long way to go — and usually the last miles are the toughest. Plus, with a deadline looming, the pace must increase.

On May 18, the Legislature filed its report to the state Supreme Court on the progress made to [fully fund basic education](#), based on *McCleary v. State of Washington*. The report pats the state on the back for the little progress it has made.

There has been a little progress. Pupil transportation and materials, supplies and operating costs have been fully funded. Full-day kindergarten will be fully funded in 2016-17, although concerns remain that there isn't enough classroom space and whether the needed new space will be funded.



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But three large hills loom in front of the state before it crosses the finish line.

- Levies: Because voters can reject them, levies are not a stable source of revenue, and they do not create a uniform system. Using local levies to fund basic education clearly is unconstitutional. This is the core issue in *McCleary*. The state isn't providing enough funding, forcing most districts to spend local levy money on basic education expenses.

In response, the Legislature cites the 2016 supplemental operating budget. It requires that, by April 30, 2017, an education-funding task force will determine if the state has met its obligation or legislation will be introduced to extend the unconstitutional use of levies for at least a year.

So legislators either solve the problem or they procrastinate for a year.

- Class sizes: According to the National Education Association, in 2014, Washington had the fifth-largest average classroom size in the nation. Initiative 1351 — passed by voters in November 2014 — requires smaller class sizes. Funding has been provided for lower class sizes in grades K-3 only. A complete McCleary plan must include all grades.

- Salaries: The state must amply fund the salaries and benefits of all teachers who provide basic education. They must be highly qualified to teach. And they must be paid competitive salaries so that they stay teaching. Those salaries cannot be funded through local levies.

The state dug itself a hole with the 2015-17 operating budget. The cost-of-living increase for teachers applied only to personnel funded by the state. School districts are being forced to use levy money to provide similar increases to staff funded through local funds.

Each of these hills requires new revenue. A plan I proposed in April would cost an additional \$7.6 billion by the 2019-21 biennium. My plan adds the costs of education bills passed in 2009 and 2010 to fund a prototypical school model.

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But the Legislature doesn't want to discuss dollars. Its report refers to [ESSSB 6195](#), passed in 2016. That bill merely creates a task force that will produce a plan.

In other words, it's a plan to plan to fund basic education.

Some legislators have said that McCleary is an example of the Supreme Court overstepping its bounds.

Those legislators are wrong.

In 2009, the Legislature passed [ESHB 2261](#). The bill updates and expands the definition of basic education and changes formulas for funding schools. Its wording is clear: "The Legislature intends that the redefined program of basic education and funding for the program be fully implemented by 2018."

The deadline wasn't imposed by the Supreme Court; it was imposed by the Legislature itself.

The \$100,000-a-day fine imposed by the Supreme Court in August 2015 has been an exercise in judicial futility. The court has granted my motion to file a friend-of-the-court brief in McCleary. In that brief, I will propose more effective sanctions. That might include possible sanctions against individual legislators or possibly shutting down schools, which has happened in other states. That would force the Legislature to fulfill its obligation to provide basic education to our children.

True leaders don't wait to solve problems. They don't blame others. They conquer the hills in front of them. They get the job done.

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